

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

HEIDI HAZELQUIST,

Plaintiff,

v.

OFFICER KLEWIN,

Defendant.

NO: 2:14-CV-0073-TOR

ORDER DENYING MOTION FOR
ENTRY OF FINAL JUDGMENT

Before the Court is Defendant Patricia A. Hull's Motion for Entry of Final Judgment Pursuant to Civil Rule 54(b) (ECF No. 89). The matter was submitted for consideration without oral argument. The Court has reviewed the motion, the record, and files therein, and is fully informed.

BACKGROUND

Plaintiff, proceeding *pro se*, filed her Complaint in this action on March 28, 2014. In her Complaint, Plaintiff asserts that, after a traffic stop, she was

1 unlawfully arrested and involuntarily committed to a mental health facility. ECF
2 No. 9.

3 On June 19, 2015, this Court granted Defendants Washington State Patrol
4 and Dustin Stephan's and Defendant Patricia Hull's motions for summary
5 judgment. ECF No. 86. Accordingly, all claims against these Defendants have
6 been dismissed, and these Defendants have been terminated from the caption. *Id.*
7 Defendant Klewin, who neither filed his own motion for summary judgment nor
8 joined the moving Defendants' motions, is the only remaining defendant.

9 In the instant motion, Defendant Hull moves for entry of final judgment.
10 ECF No. 89. Plaintiff opposes entry of final judgment.¹ ECF No. 99.

11 DISCUSSION

12 Generally, when the Court denies all relief, the clerk of court enters final
13 judgment. Fed. R. Civ. P. 58(b). However, pursuant to Rule 54(b), "[w]hen an
14 action presents more than one claim for relief . . . or when multiple parties are
15 involved, the court may direct entry of a final judgment as to one or more, but

16 ¹ Plaintiff requests that this Court first hear her pending motions for summary
17 judgment before deciding whether to enter final judgment as to Defendant Hull.
18 ECF No. 99 at 1. However, as Defendant Hull has already been dismissed from
19 this action, Plaintiff has no existing claims upon which summary judgment can be
20 granted against Defendant Hull. Thus, there is no need to delay this Order.

1 fewer than all, claims or parties only if the court expressly determines that there is
2 no just reason for delay.” Fed. R. Civ. P. 54(b).

3 To determine whether entry of judgment is warranted, the court must apply
4 the following two-step analysis: First, the court must first determine whether it has
5 rendered a “final judgment;” that is, “an ultimate disposition of an individual claim
6 entered in the course of a multiple claims action.” *Wood v. GCC Bend, LLC*, 422
7 F.3d 873, 877 (9th Cir. 2005) (quoting *Curtiss-Wright Corp. v. Gen. Elec. Co.*, 446
8 U.S. 1, 7 (1980)). Second, the court must assess whether there is “any just reason
9 for delay.” *Id.* “It is left to the sound judicial discretion of the district court to
10 determine the ‘appropriate time’ when each final decision in a multiple claims
11 action is ready for appeal.” *Id.* (quoting *Curtiss-Wright*, 446 U.S. at 8). However,
12 such discretion must be exercised “in the interest of sound judicial administration.”
13 *Id.* (“Whether a final decision on a claim is ready for appeal is a different inquiry
14 from the equities involved, for consideration of judicial administrative interests is
15 necessary to assure that application of the Rule effectively preserves the historic
16 federal policy against piecemeal appeals.” (internal quotation marks omitted)); *see*
17 *also Curtiss-Wright*, 446 U.S. at 8 (“Not all final judgments on individual claims
18 should be immediately appealable, even if they are in some sense separable from
19 the remaining unresolved claims.”). The Ninth Circuit looks upon piecemeal
20 appeals with disfavor. *Wood*, 422 F.3d at 882; *McIntyre v. United States*, 789 F.2d

1 1408, 1410 (9th Cir. 1986) (“We particularly scrutinize a district judge’s rule 54(b)
2 certification . . . to ‘prevent piecemeal appeals in cases which should be reviewed
3 only as single units.’”).

4 Defendant Hull asserts that entry of final judgment is appropriate here. In
5 support, she notes that this Court has granted summary judgment in her favor and
6 dismissed her from the case. ECF No. 89 at 2. Further, the claims against
7 Defendant Hull, which arise from her decision to commit Plaintiff to a mental
8 facility, are unrelated to the only remaining claims against Defendant Klewin. *Id.*
9 at 3. Finally, Defendant Hull asserts that entry of final judgment is appropriate
10 because the timeline for resolution of the remaining claims is uncertain and there is
11 no reason for Defendant Hull to remain in the case until final resolution. *Id.*

12 This Court finds entry of final judgment is not warranted here. There can be
13 no dispute that the Court has issued an “ultimate disposition” on all claims against
14 Defendant Hull. In its Order Granting Motions for Summary Judgment, this Court
15 dismissed all claims against Defendant Hull and terminated her from the caption.
16 ECF No. 86 at 23. However, this Court finds delaying entry of judgment until all
17 claims are resolved comports with the interests of sound judicial administration.
18 Although Defendant Hull characterizes the timeline for resolution of this case as
19 uncertain, this Court’s scheduling order shows otherwise. The deadline for
20 dispositive motion practice is August 17, 2015, ECF No. 56 at 7, less than a week

1 away. Further, trial for this matter is set to commence on November 16, 2015, *id.*
2 at 14, approximately three months from now, and as there is only one remaining
3 Defendant, this Court does not anticipate a lengthy proceeding. Finally, although
4 the claims against Defendant Hull and the other defendants may differ, the
5 allegations that give rise to all claims within Plaintiff's Complaint arise from the
6 same series of events and thus some overlap in the facts is expected.

7 Thus, in recognition of the Ninth Circuit's demanding caseload and
8 disinclination to hear piecemeal appeals, *see Wood*, 422 F.3d at 882 ("[The Circuit]
9 cannot afford the luxury of reviewing the same set of facts in a routine case more
10 than once without a seriously important reason."), this Court finds entry of final
11 judgment before resolution of all remaining claims is not warranted here.
12 Accordingly, Defendant Hull's Motion (ECF No. 89) is **DENIED**.


13 **IT IS ORDERED:**

14 Defendant Patricia A. Hull's Motion for Entry of Final Judgment Pursuant to
15 Civil Rule 54(b) (ECF No. 89) is **DENIED**.

16 The District Court Executive is directed to enter this Order and provide
17 copies to the parties.

18 **DATED** August 11, 2015.




THOMAS O. RICE
United States District Judge